

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 6

Session of  
2009

INTRODUCED BY BRUBAKER, PILEGGI, CORMAN, SCARNATI, MELLOW,  
O'PAKE, ORIE, WAUGH, ROBBINS, BROWNE, PIPPY, HUGHES, LOGAN,  
TARTAGLIONE, KASUNIC, GORDNER, M. WHITE, WARD, ALLOWAY,  
ERICKSON, BAKER, VANCE, PICCOLA, VOGEL, FOLMER, D. WHITE,  
EICHELBERGER, EARLL, MCILHINNEY, GREENLEAF, TOMLINSON,  
RAFFERTY, WOZNIAK, KITCHEN, STOUT, LEACH, STACK, YAW,  
BOSCOLA, SMUCKER, FARNESE, WONDERLING, WILLIAMS, FONTANA,  
MUSTO, DINNIMAN, WASHINGTON AND ARGALL, MARCH 19, 2009

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, MAY 5,  
2009

## AN ACT

1 Establishing the Pennsylvania Commission on Stimulus  
2 Accountability; and providing for review and monitoring of  
3 funding being disbursed or made available to the Commonwealth  
4 under the American Recovery and Reinvestment Act of 2009.

5 The General Assembly finds and declares as follows:

6 (1) The establishment of an oversight commission is  
7 necessary to enhance the understanding of the details and  
8 impact of funds available to the Commonwealth under the  
9 American Recovery and Reinvestment Act of 2009 (Public Law  
10 111-5, 123 Stat. 115).

11 (2) The establishment of a commission will ensure that  
12 funds allocated or made available to the Commonwealth under  
13 the American Recovery and Reinvestment Act of 2009 are  
14 appropriated by the General Assembly in accordance with the  
15 Constitution of the United States, the Constitution of

Pennsylvania and the act of June 29, 1976 (P.L.469, No.117),  
entitled "An act relating to the fiscal affairs of the  
Commonwealth concerning duties of the Governor, the Secretary  
of Revenue and the Budget Secretary, with respect to the  
submission of and signing the budget for any fiscal year;  
and, after a budget is enacted, regulating the issuance of  
warrants by the State Treasurer for certain requisitioned  
funds and imposing duties on persons authorized by law to  
issue requisitions for the payment of moneys from the State  
Treasury; and prescribing that Federal funds received by the  
Commonwealth shall be deposited in the General Fund account  
with certain exceptions."

(3) The establishment of a commission will ensure that  
funds are distributed in a manner that will create jobs and  
positively impact the economy.

(4) The establishment of a commission will expedite  
economic development and job creation by ensuring that  
appropriate programs and projects receive funding.

The General Assembly of the Commonwealth of Pennsylvania  
hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Pennsylvania  
Stimulus Accountability Act.

Section 2. Definitions.

The following words and phrases when used in this act shall  
have the meanings given to them in this section unless the  
context clearly indicates otherwise:

"American Recovery and Reinvestment Act of 2009." The  
American Recovery and Reinvestment Act of 2009 (Public Law  
111-5, 123 Stat. 115).

1 "Commission." The Pennsylvania Commission on Stimulus  
2 Accountability.  
3 Section 3. Pennsylvania Commission on Stimulus Accountability.  
4 (a) Establishment.--There is established the Pennsylvania  
5 Commission on Stimulus Accountability.  
6 (b) Membership.--The commission shall consist of the  
7 following:  
8 (1) The Secretary of the Budget.  
9 (2) Three members of the Governor's cabinet selected by  
10 the Governor. The cabinet members appointed under this  
11 paragraph shall remain as permanent members of the commission  
12 and may not be replaced by a cabinet member from another  
13 department.  
14 (3) A member of the Senate appointed by the President  
15 pro tempore.  
16 (4) A member of the Senate appointed by the Minority  
17 Leader.  
18 (5) A member of the House of Representatives appointed  
19 by the Speaker of the House of Representatives.  
20 (6) A member of the House of Representatives appointed  
21 by the Minority Leader.  
22 (7) A member of the general public appointed by the  
23 Governor.  
24 (8) A member of the general public appointed by the  
25 President pro tempore.  
26 (9) A member of the general public appointed by the  
27 Speaker of the House of Representatives.  
28 (c) Chairman.--The Governor shall appoint a member of the  
29 commission to serve as chairman.  
30 (d) Compensation.--Members shall not receive compensation,

1 except that the public member shall be reimbursed for expenses.

2 (e) Quorum.--The physical presence of seven members shall  
3 constitute a quorum.

4 (f) Meetings.--

5 (1) The board shall meet as frequently as it deems  
6 appropriate but at least twice a month during fiscal year  
7 2009-2010.

8 (2) In addition to the meetings under paragraph (1),  
9 additional meetings of the commission shall be called by the  
10 chairman or shall be held upon the request of two or more  
11 members of the commission within ten days of a written  
12 request submitted to the chairman.

13 (3) A member not physically present may participate by  
14 teleconference or video conference.

15 (g) Staff.--The Office of the Budget shall provide staff  
16 support to the commission.

17 Section 4. Powers and duties.

18 The powers and duties of the commission shall be as follows:

19 (1) To review and monitor all funding allocated or made  
20 available to the Commonwealth under the American Recovery and  
21 Reinvestment Act of 2009, including review of the impact of  
22 the funding on the budget submitted by the Governor for  
23 fiscal year 2009-2010 and future budgets.

24 (2) To review and monitor appropriations of funds  
25 allocated or made available to the Commonwealth under the  
26 American Recovery and Reinvestment Act of 2009 made by the  
27 General Assembly.

28 (3) To review and monitor the plans and programs that  
29 will be used by the Commonwealth to disburse or distribute  
30 funding under the American Recovery and Reinvestment Act of

1 2009.

2 (4) To review whether grants and contracts to disburse  
3 or distribute funding meet applicable standards and  
4 performance measures.

5 (5) To review the award of contracts to ensure that  
6 contracts are awarded in accordance with appropriate  
7 procurement standards.

8 (6) To determine if appropriate mechanisms are available  
9 to promote interagency collaboration to facilitate  
10 competition for grant and other funds available under the  
11 American Recovery and Reinvestment Act of 2009.

12 (7) To determine whether additional legislation or  
13 procedures are necessary or would be beneficial to  
14 effectively disburse or distribute funds and to maintain  
15 accountability.

16 (8) To obtain copies of all budgets and records of  
17 expenditures from Commonwealth agencies, as well as plans and  
18 policies relating to the expenditure of funds under the  
19 American Recovery and Reinvestment Act of 2009.

20 (9) To review the utilization and benefit of tax credits  
21 authorized by the American Recovery and Reinvestment Act of  
22 2009.

23 (10) To make recommendations to the Governor and the  
24 General Assembly regarding legislation, regulation or  
25 policies relating to all of the following:

26 (i) The effective and equitable use of funds  
27 allocated or made available to the Commonwealth.

28 (ii) The prevention of fraud, waste or abuse  
29 relating to funds allocated or made available to the  
30 Commonwealth.

1 (iii) The enhancement of the Commonwealth's ability  
2 to utilize funds to create jobs and promote economic  
3 growth.

4 (11) To ensure that audits are performed to determine if  
5 appropriate grant or contract management is occurring.

6 (12) To refer issues to the Inspector General, Attorney  
7 General or other authority as appropriate.

8 Section 5. Duties of Commonwealth agencies.

9 (a) Requirements.--Each agency of the Commonwealth that  
10 receives funds under the American Recovery and Reinvestment Act  
11 of 2009 shall do all of the following:

12 (1) Provide to the commission reports, documents,  
13 budgets, proposed policies, data, estimates, statistics and  
14 other documents and materials relating to the disbursement or  
15 distribution of funds received under the American Recovery  
16 and Reinvestment Act of 2009 by that agency.

17 (2) Notify the commission of the fund or account into  
18 which funds received under the American Recovery and  
19 Reinvestment Act of 2009 are or will be deposited and  
20 maintained.

21 (3) Notify the commission of the transfer of funds from  
22 one fund or account to another.

23 (4) Provide the commission with detailed information  
24 about the programs, plans or mechanisms it plans to use to  
25 disburse or distribute funds received.

26 (5) Inform the commission of standards and performance  
27 measures proposed to be included in appropriations,  
28 contracts, programs, plans and mechanisms to disburse or  
29 distribute funds received.

30 (6) Inform the commission of the hiring of additional

1 personnel to implement programs funded under the American  
2 Recovery and Reinvestment Act of 2009.

3 (b) Availability.--Information required under this section  
4 shall be made available to the commission upon the request of  
5 any member of the commission.

6 (c) Treasury Department.--The Treasury Department shall  
7 notify the commission of all of the following:

8 (1) The funds or accounts into which funds received  
9 under the American Recovery and Reinvestment Act of 2009 are  
10 deposited when received.

11 (2) The issuance of a warrant TO DISBURSE FUNDS UNDER  
12 THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 under the  
13 act of June 29, 1976 (P.L.469, No.117), entitled "An act  
14 relating to the fiscal affairs of the Commonwealth concerning  
15 duties of the Governor, the Secretary of Revenue and the  
16 Budget Secretary, with respect to the submission of and  
17 signing the budget for any fiscal year; and, after a budget  
18 is enacted, regulating the issuance of warrants by the State  
19 Treasurer for certain requisitioned funds and imposing duties  
20 on persons authorized by law to issue requisitions for the  
21 payment of moneys from the State Treasury; and prescribing  
22 that Federal funds received by the Commonwealth shall be  
23 deposited in the General Fund account with certain  
24 exceptions."

25 (3) The removal, transfer or expenditure of any funds  
26 received under the American Recovery and Reinvestment Act of  
27 2009 from a fund, account or other area in the State Treasury  
28 to another agency or program. Notification shall include the  
29 name of the agency and program receiving the funds from the  
30 State Treasury.

1 Section 6. Internet website.

2 (a) Establishment.--By May 15, 2009, the Office of the  
3 Budget shall implement and maintain an Internet website to  
4 provide information to the public on the expenditure of funds  
5 allocated or provided to the Commonwealth under the American  
6 Recovery and Reinvestment Act of 2009.

7 (b) Transcripts.--Transcripts of all meetings of the  
8 commission shall be posted on the Internet website within three  
9 days of the meeting.

10 (c) Copies.--The Internet website shall provide a link to  
11 the American Recovery and Reinvestment Act of 2009 and to  
12 legislation proposed or adopted by the General Assembly that  
13 includes appropriations of funds under the American Recovery and  
14 Reinvestment Act of 2009.

15 (d) Other information.--The Office of the Budget shall post  
16 reports prepared under section 7 and any other information  
17 deemed appropriate by the commission.

18 (e) Expenditure.--The Internet website shall include the  
19 following data relating to expenditures of funds allocated or  
20 provided to the Commonwealth under the American Recovery and  
21 Reinvestment Act of 2009 of \$25,000 or more:

22 (1) The name and county of the recipient of the funds.

23 (2) The amount of funds expended or received.

24 (3) Whether the funds are in the form of a grant, loan  
25 or other distribution method.

26 (4) The disbursing agency and the appropriation from  
27 which the expenditure is made.

28 (5) A description of the purpose and type of  
29 expenditure.

30 (6) Any State or other audit report relating to the



funding recipient, the specific program under which the funds are administered or the agency distributing the funds.

(7) Any other information specified by the commission.

(f) Updates.--The information on the Internet website shall be updated twice a month.

(g) Search capability.--The information on the Internet website shall be in the form of a searchable database which may be searched at no cost.

(h) Duration.--The Internet website shall be maintained for a period of five years from the effective date of this section.

#### Section 7. Reports.

The commission shall prepare a written report every three months and shall transmit the report to the chairman and minority chairman of the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.

#### Section 8. Applicability of other laws.

The following laws shall apply to the commission and its activities:

(1) The provisions of 65 Pa.C.S. Ch. 7.

(2) The act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

#### Section 9. Expiration.

This act shall expire five years from the effective date of this section.

#### Section 20. Effective date.

This act shall take effect immediately.